IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 4477 of 2007(G)

PETITIONER:

M.A.SUBRAMANIAN CHETTIAR,
V/43, NEHRU NAGAR, P.O.NATTUKAL,
CHITTUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS:

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1. TAHSILDAR (RR), CHITTUR.

2. VILLAGE OFFICER, VALIYAVALLAMPATHI VILLAGE, KOZHINJAMPARA, CHITTUR TALUK.

3. REVENUE DIVISIONAL OFFICER, PALAKKAD.

4. KERALA FINANCIAL CORPORATION, DISTRICT OFFICE, PALAKKAD, REPRESENTED BY ITS MANAGER.

5. DISTRICT INDUSTRIES CENTRE, PALAKKAD, REPRESENTED BY ITS GENERAL MANAGER.

R1TO R3 & R5 BY G.P. SRI.C.K. GOVINDAN
R4 BY ADV. SRI.T.V.GEORGE, SC, KFC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE NOTICE DATED 28.7.2001 ISSUED UNDER SECTION 36 OF THE RR ACT.

EXT.P2 TRUE COPY OF THE NOTICE DATED 1.2.2005 ISSUED BY THE FIRST RESPONDENT.

EXT.P3 TRUE COPY OF THE NOTICE ISSUED FROSM THE DISTRICT INDUSTRIES CENTRE, PALAKKAD 15.7.2004

EXT.P4 TRUE COPY OF THE RECEIPT DATED 16.10.2001 ISSUED BY THE KFC PALAKKAD.

EXT.P5 TRUE COPY OF THE PROCEEDINGS NO. S-1272/06 DATED 7.10.2006

EXT.P6 TRUE COPY OF THE RATION CARD SHOWING THE DETAILS OF THE MEMBERS OF THE PETITIONER'S FAMILY.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 4477 OF 2007

Dated this the 12th day of July, 2007

JUDGMENT

Petitioner's property is sold in recovery proceedings for recovery of arrears of sales tax which is around Rs. 1.20 lakhs. Since the property could not be sold, it is purchased by Government for Re.1. According to the petitioner petitioner wants to contest tax liability after obtaining certified copy of the assessment order from the assessing officer. Petitioner is not dispossessed of the property purchased by Government and petitioner is residing there. The very same property is said to be subjected to charge in favour of KFC for loan availed by the petitioner. Government Pleader submitted that arrears are due to District Industries Centre also. In view of the petitioner's undertaking to clear the arrears, W.P. is disposed of granting 10 equal monthly instalments to the petitioner to clear the arrears of sales and loan due to District Industries Centre with interest first of which will be paid on or before 31.7.2007 and the balance on or before the last day of nine succeeding months. If the petitioner clears the arrears as above, then

the purchase of property by Government in auction for Re.1 will stand set aside immediately after discharge of full liability. So far as the claim of the Corporation is concerned, if the petitioner does not make payment, it is for them to take steps for recovery and as and when property is restored to the petitioner, to proceed against the property also.

(C.N.RAMACHANDRAN NAIR)
Judge